

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Devaughn Campbell,

Petitioner,

19 **CIVIL** 2980 (AJN)(SLC)

-against-

JUDGMENT

Timothy McCarthy, Superintendent of Auburn
Correctional Facility

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated January 22, 2021, no objections to the Report & Recommendation have been filed, and the deadline for objections has passed. The Court reviewed the Report & Recommendation for clear error and found none. The Report & Recommendation is ADOPTED in its entirety and the Petitioner's § 2254 petition is dismissed. Because Petitioner "has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue." The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue); accordingly, the case is closed.

Dated: New York, New York
January 22, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk